

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In the Matter of:

DAVID L. PERRY JR.

Debtor

Chapter 13

Case No. 14-11517-RGM

**MOTION TO DISMISS,**  
**NOTICE OF MOTION TO DISMISS**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

**Pursuant to 11 U.S.C. §1307(c)(6)** - Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

**Notice and Motion to Dismiss**

David L. Perry Jr., Case #14-11517-RGM

***Attend the hearing to be held on March 11, 2015 at 9:30 a.m., in Courtroom 1 on the 2<sup>nd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste.400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: February 13, 2015

/s/ Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 13th day of February, 2015, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

David L. Perry Jr.  
Chapter 13 Debtor  
4042 Towhee Ct.  
Woodbridge, VA 22193

Nathan Dee Baney  
Attorney for Debtor  
Surovell, isaacs & Peterson & Levy  
4010 University Ave., 2nd Floor  
Fairfax, VA 22030

/s/ Thomas P. Gorman  
Thomas P. Gorman

## INTERIM STATEMENT AS OF 02/13/2015

CASE NO: 14-11517-RGM

STATUS: BASE PLAN

DEBTOR: XXX-XX-0192

PERRY JR., DAVID L.

AKA:

SCHEDULE: 1,500.00 MONTHLY

TOTAL PAID: 11,200.00

DATE FILED: 04/23/2014 4042 TOWHEE CT.

CONFIRMED: 07/23/2014 WOODBRIDGE, VA 22193

LATEST 341: 05/20/2014

PERCENTAGE: 6.000

ATTORNEY: NATHAN DEE BANEY

SUROVELL, ISAACS &amp; PETERSON &amp; LEVY

4010 UNIVERSITY AVE., 2ND FLOOR

FAIRFAX, VA 22030

Phone: 703 277-9768 Fax: -

PLAN: 60 MONTHS

1st PAYMENT DUE: 05/2014

ON SCHEDULE: 13,400.00

Needed to Complete Base:

ACTUAL PAYMENTS: 11,200.00

BASE: 125,900.00

AMOUNT BEHIND: 2,200.00

114,700.00

## LAST 12 TRANSACTIONS

Date	Source	Amount
02/04/15	POLESTAR TECHNOL	1,400.00
01/07/15	POLESTAR TECHNOL	1,400.00
11/14/14	POLESTAR TECHNOL	1,400.00
09/30/14	POLESTAR TECHNOL	1,400.00
09/03/14	POLESTAR TECHNOL	1,400.00
07/29/14	POLESTAR TECHNOL	1,400.00
06/25/14	POLESTAR TECHNOL	1,400.00
05/28/14	POLESTAR TECHNOL	1,400.00

## DIRECT PAY

CLAIM	CRED NO	CREDITOR NAME	DISB CODE	CLASS	ARREARS	FIXED PAYMENT	SCHED AMOUNT	PAID BY TRUSTEE	BALANCE DUE	CLAIM STATUS
008	330021	DONNA E PERRY	PRO	PRI	0.00	0.00	0.00	0.00	0.00	DIRECT

## PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
001	IRS*	INTERNAL REVENUE SERVICE	PRO	UNS	6.00	0.00	29,388.71	29,388.71	0.00	1,763.32
						0.00	0.00	1,763.32	0.00	0.00
001	IRS*	INTERNAL REVENUE SERVICE	PRO	PRI	100.00	0.00	97,386.18	97,386.18	4,781.79	92,604.39
			01/2015			0.00	97,386.18	97,386.18	0.00	0.00
002	266112	COUNTY OF PRINCE WILLIAM Split Claim	PRO-I	SEC	100.00	0.00	2,346.29	59.04	59.04	Closed
			10/2014			0.00	0.00	59.04	0.00	
002	266112	COUNTY OF PRINCE WILLIAM	PRO	PRI	100.00	0.00	2,883.25	536.96	26.54	510.42
			01/2015			0.00	171.96	536.96	0.00	0.00
003	VATAX	VIRGINIA DEPT. OF TAXATION	PRO	PRI	100.00	0.00	10,206.23	10,206.23	504.19	9,702.04
			01/2015			0.00	5,400.00	10,206.23	0.00	0.00
003	VATAX	VIRGINIA DEPT. OF TAXATION Split Claim	PRO	UNS	6.00	0.00	0.00	44,118.65	0.00	2,647.12
						0.00	0.00	2,647.12	0.00	0.00
004	330020	CARDINAL RIDGE HOMEOWNER ASSOC ** NO CLAIM FILED**	FIX-A	SEC	100.00	585.23	1,170.45	1,170.45	0.00	1,170.45
						585.22	1,170.45	1,170.45	0.00	0.00
005	321137	GREEN TREE SERVICING LLC ALLOW???	FIX-A	SEC	100.00	9.01	540.80	540.80	0.00	540.80
						81.09	0.00	540.80	0.00	0.00
006	338954	TD BANK NA ALLOW???	FIX-A	SEC	100.00	60.00	60.00	60.00	0.00	60.00
						0.00	0.00	60.00	0.00	0.00
007	336635	WELLS FARGO BANK ALLOW ARREARS>??	FIX-A	SEC	100.00	223.53	447.05	447.05	0.00	447.05
						223.52	0.00	447.05	0.00	0.00
009	306437	AFNI	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	169.06	0.00	0.00	
010	331419	AMERICAN SLEEP MEDICINE	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	700.24	0.00	0.00	
011	316879	ASSET ACCEPTANCE LLC ASSIGNEE BA	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	1,347.56	0.00	0.00	
012	316124	BANK OF AMERICA	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	436.00	0.00	0.00	
013	303939	CAPITAL MANAGEMENT SVCS INC	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	0.00	0.00	0.00	
014	268236	CAPITAL ONE	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	8,436.00	0.00	0.00	
015	321368	CREDIT PROTECTION ASSOCIATION	PRO	UNS	6.00	0.00	0.00	0.00	0.00	Not Filed
						0.00	0.00	0.00	0.00	

\*\* Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

RptDvr 10.5

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DEBTOR: XXX-XX-0192

PERRY JR., DAVID L.

SCHEDULE: 1,500.00 MONTHLY

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
016	330022	EDWARD A SAUNDERS	PRO	UNS 6.00		0.00 0.00	0.00 733.52	0.00 0.00	0.00 0.00	Not Filed
017	307443	FORD MOTOR CREDIT CO.	PRO	UNS 6.00		0.00 0.00	13,542.55 8,210.25	13,542.55 812.55	0.00 0.00	812.55 0.00
018	330023	GEMB/LOWES	PRO	UNS 6.00		0.00 0.00	0.00 4,100.00	0.00 0.00	0.00 0.00	Not Filed
019	283845	ASSET ACCEPTANCE, LLC HSBC BANK NEVADA KAWASAKI	PRO	UNS 6.00		0.00 0.00	13,920.91 12,080.62	13,920.91 835.25	0.00 0.00	835.25 0.00
020	LVNV	LVNV FUNDING LLC. GENERAL ELECTRIC CAPITAL	PRO	UNS 6.00		0.00 0.00	4,898.59 4,898.00	4,898.59 293.92	0.00 0.00	293.92 0.00
021	330677	NAR INC	PRO	UNS 6.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
022	313845	DOMINION MIDDLE RIDGE	PRO	UNS 6.00		0.00 0.00	62.30 62.30	62.30 3.74	0.00 0.00	3.74 0.00
023	330382	NAVY FEDERAL CREDIT UNION	PRO	UNS 6.00		0.00 0.00	19,423.32 21,672.57	19,423.32 1,165.40	0.00 0.00	1,165.40 0.00
024	330382	NAVY FEDERAL CREDIT UNION	PRO	UNS 6.00		0.00 0.00	0.00 303.85	0.00 0.00	0.00 0.00	Not Filed
025	330027	PSYCHOLOGICAL AND LIFE SKILLS	PRO	UNS 6.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
026	332851	PROFESSNL ACCT MGMT IN	PRO	UNS 6.00		0.00 0.00	0.00 100.00	0.00 0.00	0.00 0.00	Not Filed
027	323583	JEFFERSON CAPITAL SYSTEMS LLC WACHOVIA BANK	PRO	UNS 6.00		0.00 0.00	1,141.46 0.00	1,141.46 68.49	0.00 0.00	68.49 0.00
028	338677	RMS	PRO	UNS 6.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
029	330028	ROEDER, COCHRAN & HAIGHT PLLC	PRO	UNS 6.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
030	326616	SENTARA COLLECTIONS	PRO	UNS 6.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
799	BANEY	NATHAN DEE BANEY	PRO 07/2014	ATY 100.00		0.00 0.00	2,281.00 3,000.00	2,281.00 2,281.00	2,281.00 0.00	0.00 0.00
Trustee Administrative Fees								454.45	454.45	
TOTALS:						877.77 889.83	197,352.80 170,378.56	239,579.61 120,672.91	8,107.01 0.00	112,624.94 0.00

	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER		
SCHED AMOUNT:	0.00	3,000.00	102,958.14	1,170.45	63,249.97	0.00		
CLAIM AMOUNT:	0.00	2,281.00	108,129.37	2,218.30	7,589.79	0.00		
PAID BY TRUSTEE:	0.00	2,281.00	5,312.52	0.00	0.00	0.00		
PAID BY 3rd PARTY:	0.00	0.00	0.00	0.00	0.00	0.00		
SUB TOTAL:							DUE CREDITORS:	112,624.94
INTEREST DUE:	0.00	0.00	0.00	0.00	0.00	0.00	EXPECTED ADMIN:	6,252.35
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	3,092.99
BALANCE DUE:	0.00	0.00	102,816.85	2,218.30	7,589.79	0.00	APPROX BALANCE:	115,784.30

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